

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

GRETCHEN MINA LEHRER
P.O. Box 222917
Eugene OR 97401,

Respondent.

Case No. 2007-250

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 6, 2008.

IT IS SO ORDERED February 6, 2008.

Lathene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 083047
Supervising Deputy Attorney General
4 California Department of Justice
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8 Attorneys for Complainant

9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2007-250

12 **GRETCHEN MINA LEHRER**
P.O. Box 222917
13 Eugene OR 97401

STIPULATED SURRENDER
OF LICENSE AND ORDER

14 Registered Nurse License No. 615840,

15 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Arthur D. Taggart, Supervising Deputy Attorney General.

24 2. Gretchen Mina Lehrer (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 25, 2003, the Board of Registered Nursing issued
27 Registered Nurse License Number 615840 to Gretchen Mina Lehrer (Respondent). The license
28 expired on August 31, 2006, and has not been renewed.

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JURISDICTION

4. Accusation No. 2007-250 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 3, 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2007-250 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2007-250. Respondent also has carefully read, and fully understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2007-250, agrees that cause exists for discipline and hereby surrenders her Registered Nurse License No. 615840 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse license without further process.

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10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 615840, issued to Respondent Gretchen Mina Lehrer, is surrendered and accepted by the Board of Registered Nursing.

13. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

1 15. Respondent shall cause to be delivered to the Board both her wall and
2 pocket license certificate on or before the effective date of the Decision and Order.

3 16. Respondent understands and agrees that if she ever applies for licensure or
4 petitions for reinstatement in the State of California, the Board shall treat it as a new application
5 for licensure. Respondent must comply with all the laws, regulations and procedures for
6 licensure in effect at the time the application or petition is filed, and all of the charges and
7 allegations contained in Accusation No. 2007-250 shall be deemed to be true, correct and
8 admitted by Respondent when the Board determines whether to grant or deny the application or
9 petition.

10 17. Upon reinstatement of the license, Respondent shall pay to the Board costs
11 associated with its investigation and enforcement pursuant to Business and Professions Code
12 section 125.3 in the amount of Eight Hundred Forty-Four Dollars and Fifty Cents (\$844.50).
13 Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

14 18. Respondent shall not apply for licensure or petition for reinstatement for
15 two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

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ACCEPTANCE

I am aware of my right to retain private counsel at my own expense. I have chosen to represent myself in these proceedings.

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my license. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11/2/07


GRETCHEN MINA LEHRER
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: November 6, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California


ARTHUR D. TAGGART
Supervising Deputy Attorney General

Attorneys for Complainant

EXHIBIT A
Accusation No. 2007-250

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART, State Bar No. 83047
Lead Supervising Deputy Attorney General
4 California Department of Justice
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7 Attorneys for Complainant
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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2007 - 250

13 **GRETCHEN MINA LEHRER**
14 P. O. Box 222917
Christiansted, VI 00822-2917

ACCUSATION

15 and

16 474 E. 14th Aly, Apt #12
Eugene, OR 97401

17 **Registered Nurse License No. 615840,**

18 Respondent.
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20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs.

25 2. On or about March 25, 2003, the Board of Registered Nursing ("Board")
26 issued Registered Nurse License Number 615840 ("license") to Gretchen Mina Lehrer
27 ("Respondent"). The license expired on August 31, 2006, and has not been renewed.

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JURISDICTION

3. Section 2750 of the Business and Professions Code ("Code") provides:

"Every certificate holder or licensee, including licensees holding temporary licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided in this article [Article 3 of the Nursing Practice Act (Bus. & Prof. Code, § 2700 et seq.)]. As used in this article, 'license' includes certificate, registration, or any other authorization to engage in practice regulated by this chapter. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code [the Administrative Procedure Act], and the board shall have all the powers granted therein."

4. Code section 2764 provides:

"The lapsing or suspension of a license by operation of law or by order or decision of the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding against such license, or to render a decision suspending or revoking such license."

STATUTORY PROVISIONS

5. Code section 2761 provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

....

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

6. Code section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 (Out-of-State Disciplinary Action)

3 7. Respondent's license is subject to disciplinary action for unprofessional
4 conduct under Code section 2761, subdivision (a)(4), in that on or about December 21, 2004,
5 pursuant to the Stipulation and Voluntary Surrender of Registered Nurse License in Case 05-104
6 in the disciplinary action entitled, "*In the Matter of Gretchen Mina Lehrer, RN,*" the voluntary
7 surrender of Respondent's State of Oregon registered nurse license was accepted by the Board
8 of Nursing of the State of Oregon following Respondent's acknowledgment that she is
9 chemically dependent. A copy of the disciplinary action entitled, "*In the Matter of Gretchen*
10 *Mina Lehrer, RN,*" is attached hereto as "Exhibit A," and is incorporated herein by reference.

11 **PRAYER**

12 **WHEREFORE**, Complainant requests that a hearing be held on the matters
13 herein alleged, and that following the hearing the Board issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 615840,
15 issued to Gretchen Mina Lehrer;
- 16 2. Ordering Gretchen Mina Lehrer to pay the reasonable costs incurred by
17 the Board in the investigation and enforcement of this case pursuant to Code section 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.
- 19

20 **DATED:** 3/29/07

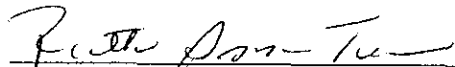
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24 RUTH ANN TERRY, M.P.H., R.N.
25 Executive Officer
26 Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of

Gretchen Mina Lehrer, RN

License No. 088000623RN

FINAL ORDER

Case No. 05-104

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including registered nurses, in the State of Oregon. Gretchen Mina Lehrer (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on February 9, 2005. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Voluntary Surrender of Registered Nurse License signed by Licensee on December 21, 2004 and so dispense with this Matter pursuant to ORS 183.415(5).

Upon review of the Stipulation for Voluntary Surrender and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the Stipulation. It is hereby

ORDERED that the Stipulation signed by Licensee on December 21, 2004 be approved and by this reference incorporated herein, and it is further

ORDERED that the Board accept the Voluntary Surrender of Gretchen Mina Lehrer's registered nursing license and that the Stipulation for Voluntary Surrender be adopted.

DATED this 9 day of February, 2005.

DATE: 5-8-06

I certify this to be a true copy of the records on
file with the Oregon State Board of Nursing.

SIGNED: Barbara Hultzy

Marguerite S. Gutierrez
Marguerite S. Gutierrez, RN
Board President

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of)

GRETCHEN LEHRER)
RN Examination Applicant)Respondent)
_____)FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER
Case No. 89-159

This matter was considered by the Board at their February 8, 1989 meeting in Hillsboro, Oregon. The Respondent, Gretchen Lehrer, did not appear personally. The State appeared through Sandra Shaar, R.N., Investigator. The purpose of the hearing was to determine whether the allegations contained in the Stipulation for Disciplinary Action are true, whether Respondent should be allowed to sit for the NCLEX RN Examination in the State of Oregon, and if she successfully passes the examination, if disciplinary action should be taken against her RN license.

I

FINDINGS OF FACT

Based on the evidence submitted through Stipulation and testimony provided, the Board finds the following:

1.1 That Gretchen Lehrer graduated from an accredited school of nursing in December 1988, meets all requirements to take the NCLEX RN examination, and has applied to do so in the State of Oregon.

1.2 That Gretchen Lehrer has revealed to Board staff, a five (5) year history of marijuana abuse, and a June 1988 conviction for delivery of a Class II narcotic.

1.3 That Gretchen Lehrer has provided evidence of completion of a drug treatment program, participation in aftercare, and commitment to recovery through attendance at Narcotics Anonymous and working a twelve-step program.

II

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board makes the following conclusions of law:

2.1 That the Board has jurisdiction over the RN Exam Candidate, Gretchen Lehrer, and over the subject matter of this proceeding.

2.2 That the abuse of marijuana, and the conviction of delivery of a Class II narcotic demonstrates conduct derogatory to the practice of nursing, and upon her passing of the NCLEX examination, shall be grounds for discipline of her RN license, pursuant to ORS 678.111 (1)(e) and (f).

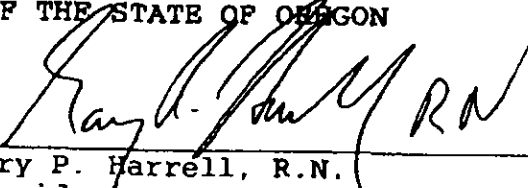
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ORDER

Based on the foregoing findings of fact, conclusions of law, and the Board being fully advised, it is hereby ordered that Gretchen Lehrer be allowed to take the NCLEX RN Examination in the State of Oregon. Should Respondent pass the examination, her RN license shall be placed on probation for a period of two (2) years, such period of probation starting when Respondent begins work as a graduate nurse. She must comply with all terms and conditions of probation as stipulated.

DATED this 8th day of February 1989

FOR THE BOARD OF NURSING
OF THE STATE OF OREGON



Gary P. Harrell, R.N.
President

DATE: 5-8-06

I certify this to be a true copy of the records on
file with the Oregon State Board of Nursing.

SIGNED: Barbara Holby

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of)
)
GRETCHEN LEHRER)
RN Exam Candidate)
Respondent)
_____)

STIPULATION FOR
DISCIPLINARY
ACTION
Case No. 89-159

WHEREAS, Gretchen Lehrer, hereinafter referred to as "Respondent", is an RN exam candidate, having successfully completed the BSN program at the University of Wisconsin in Madison.

WHEREAS, Respondent has expressed a desire to practice nursing in the State of Oregon.

WHEREAS, on her application for examination in Oregon, Respondent revealed a June 1988 conviction for delivery of a Class II narcotic, and a history of abuse of marijuana from the age of fifteen (15) to the age of twenty (20).

WHEREAS, based upon the above information, and in the event that Respondent pass the NCLEX examination, Board of Nursing staff therefore concludes that Respondent will be subject to disciplinary action for violation of ORS 678.111 (1)(e) and (f), which provides as follows:

"1) Issuance of the license to practice nursing, whether by examination or by indorsement, of any person may be refused or the license may be revoked or suspended or the license may be placed on probation for a period specified by the board and subject to such condition as the board may impose or may be issued a limited license or may be reprimanded or censured by the board, for any of the following causes:

e) Use of any controlled substance or intoxicating liquor to an extent or in a manner dangerous or injurious to the licensee or others or to an extent that such use impairs the ability to conduct safely the practice for which the licensee is licensed.

f) Conduct derogatory to the standards of nursing."

WHEREAS, Respondent freely admits to the above named violations and wishes to cooperate with the Board in resolving the present disciplinary problems.

WHEREAS, Respondent has provided evidence of the successful completion of a drug abuse treatment program, and continuing involvement in an aftercare program and NA meetings.

Therefore, the following is proposed by Board of Nursing staff to Gretchen Lehrer and is agreed to by Respondent:

It will be recommended to the Board of Nursing that, should Respondent pass her NCLEX examination, the RN license of Gretchen Lehrer be placed on probation for a period of two (2) years, contingent on nursing practice.

If Respondent chooses to practice as a graduate nurse, her limited license shall also be placed on a probationary status.

Respondent shall comply with the following terms and conditions of probation:

1. Respondent shall not violate the Nurse Practice Act (ORS 678) or the rules adopted thereon.
2. Respondent shall notify the Board in writing of any changes in address throughout the probationary period.
3. Respondent shall submit written reports to the Board, at least every three (3) months, and more often if deemed necessary by Board of Nursing staff.
4. Respondent shall provide evidence of ongoing and regular attendance at meetings designed to further her education and provide support to her in regards to the disease of chemical dependency, (i.e., AA, NA, Nurses' Support Group, etc.). The evidence of such attendance shall be negotiated with Board of Nursing Staff, and submitted to them at each reporting period.
5. Respondent shall abstain from all mind-altering or intoxicating substances unless she is taking medication for a documented medical condition, and said medication was obtained by prescription written by a person authorized to write such prescriptions by law.
6. Respondent shall submit to drug detection tests at the request of her employer or Board staff. The cost of such tests shall be assumed by the Respondent.

7. Respondent shall inform all potential employers of her probationary status, the reason for probation and the terms and conditions of her probation. Upon hire, the Board will forward copies of this document and Respondent's Board Order to the employer.

8. Respondent's nursing supervisor shall agree to submit written evaluations of work performance to the Board every three (3) months on forms provided by the Board. If there is a Director of Nursing Service (DNS), the DNS is to be informed of Respondent's probationary status.

Respondent shall, at all times during her probationary period, cooperate with Board staff and their authorized agents in the supervision and investigation of compliance with the terms of probation.

Respondent understands that the conduct resulting in the violations of law described in this stipulation are considered by the Board to be of a grave nature and if continued, constitute a serious danger to her personal health and safety, and a potential danger to the public she serves.

Respondent also understands that in the event she engages in future conduct resulting in violations of law, or terms of her probation, the Board may take additional action, up to and including revocation of her license to practice nursing.

Respondent understands that this stipulation will be submitted to the Board of Nursing for approval and is subject to the Board's confirmation.

Respondent understands that by entering into this stipulated agreement, she waives the right to an administrative hearing.

Respondent further states no promises, representations, duress, or coercion have been used to induce her to sign this stipulation.

Respondent has read this stipulation and understands it completely.

DATED this 27th day of January 1989.

Gretchen Lehrer
Gretchen Lehrer

OREGON STATE BOARD OF NURSING

Sandra Shaar RN BSN
Sandra Shaar, R.N., B.S.N.
Investigator

Mary Audell-Thompson RNMS
Mary Audell-Thompson, R.N., M.S.
Program Executive
Professional Services

DATE: <u>5-8-06</u>
I certify this to be a true copy of the records on file with the Oregon State Board of Nursing.
SIGNED: <u>Barbara Motley</u>